



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

July 11, 2017

(Via email and Certified Mail)
CERTIFIED MAIL
NO. 7015 1520 0001 7928 4406

Ms. Cynthia Adkisson
Senior Environmental Health and
Safety Specialist
East Bay Municipal Utility District
375 Eleventh Street, MS 704
Oakland, California 94623
cadkisso@ebmud.com

**SUBJECT: FAILURE TO COMPLY; UNDERGROUND STORAGE TANK SYSTEM
LOCATED AT EAST BAY MUNICIPAL UTILITY DISTRICT, 375 11TH STREET,
OAKLAND**

Dear Ms. Adkisson:

As of the date of this letter, the State Water Resources Control Board (State Water Board) has not received a response to our May 11, 2017 Notice of Violation (NOV)(attached). You are directed to correct the ongoing violations identified in the NOV and submit compliance documentation to the State Water Board and Alameda County Department of Environmental Health within ten (10) days from the date of this letter.

Please send all compliance documentation to the following:

State Water Board

Ms. Rebecca Green
UST Enforcement Unit
Office of Enforcement
State Water Resources Control Board
801 K Street, Suite 2300
Sacramento, California 95814
rebecca.green@waterboards.ca.gov

Local CUPA

Ms. Aileen Mendoza
Supervising Hazardous Materials Specialist
Alameda County Department of
Environmental Health
1131 Harbor Bay Parkway
Alameda, California 94502
aileen.mendoza@acgov.org

Failure to comply with this notice may result in an enforcement action by the State Water Board. The State Water Board reserves the right to bring an action against the owner and/or operator of the tank(s) in violation, or it may recommend that Alameda County Department of Environmental Health pursue enforcement, or Alameda County Department of Environmental Health may elect to pursue enforcement independently.

Pursuant to Health and Safety Code, chapter 6.7, section 25299, the owner and operator of the tank(s) are liable for a penalty of \$500 to \$5,000 per tank, per day of violation. These penalties will continue to accrue until the violations have been corrected.

Office of Enforcement | 801 K Street, Suite 2300 | Sacramento, CA 95814 | 916.341.5272

FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE DIRECTOR

1001 I Street, Sacramento, CA 95814 | Mailing Address: P.O. Box 100, Sacramento, Ca 95812-0100 | www.waterboards.ca.gov

July 11, 2017

If you have any questions, please contact me at (916) 341-5551, or by email at amantha.henkel@waterboards.ca.gov.

Sincerely,



Amantha Henkel
Senior Environmental Scientist
UST Enforcement Unit
Office of Enforcement

Attachment: May 11, 2017 Notice of Violation

cc: *(via email only)*

Ms. Chandra Johannesson
Manager of Environmental Compliance
East Bay Municipal Utility District
cjohanne@ebmud.com

Mr. Drew Lerer
Environmental Health and Safety Specialist
East Bay Municipal Utility District
dlerer@ebmud.com

Ms. Aileen Mendoza
Supervising Hazardous Materials Specialist
Alameda County Department of
Environmental Health
aileen.mendoza@acgov.org

Ms. Susan Hugo, Chief
Hazardous Materials Division
Alameda County Department of
Environmental Health
susan.hugo@acgov.org



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

May 11, 2017

(Via email and Certified Mail)
CERTIFIED MAIL
NO. 7015 1520 0001 8017 2426

Ms. Cynthia Adkisson
Senior Environmental Health and
Safety Specialist
East Bay Municipal Utility District
375 Eleventh Street, MS 704
Oakland, California 94623
cadkisso@ebmud.com

**SUBJECT: NOTICE OF VIOLATION; UNDERGROUND STORAGE TANK SYSTEM
LOCATED AT EAST BAY MUNICIPAL UTILITY DISTRICT, 375 11TH STREET,
OAKLAND**

Dear Ms. Adkisson:

As part of an initiative by the State Water Resources Control Board (State Water Board) to ensure compliance at government-owned and/or operated underground storage tank (UST) facilities in California, the State Water Board staff inspected the UST at your facility on April 26, 2017, pursuant to authority under Health and Safety Code (H&SC), chapter 6.7, section 25289.

The State Water Board has identified the following violations pursuant to H&SC, chapter 6.7, and California Code of Regulations (CCR), title 23, chapter 16:

No.	Violation	Tank	Start Date	Stop Date	Regulation
1	Failure to Maintain Facility Information (Form A) – The facility information form in CERS needs to be updated because it lists self-insurance; however, the certificate of financial responsibility letter observed onsite indicated a local government mechanism was being used.	All	April 26, 2017	Ongoing	23 CCR 2711(a)

Office of Enforcement | 801 K Street, Suite 2300 | Sacramento, CA 95814 | 916.341.5272

FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE DIRECTOR

1001 I Street, Sacramento, CA 95814 | Mailing Address: P.O. Box 100, Sacramento, Ca 95812-0100 | www.waterboards.ca.gov

No.	Violation	Tank	Start Date	Stop Date	Regulation
2	Failure to Maintain Tank Information (Form B) – The tank information form in CERS needs an update to the overfill protection section because it lists exempt and does not list audible/visual alarm, which is being used. The corrosion protection section must be updated because it lists isolation; however, observations made during the inspection identified metal sumps in contact with backfill.	All	April 26, 2017	Ongoing	23 CCR 2711(a)
3	Failure to Maintain Monitoring Plan – The testing section of the monitoring plan must be updated because it lists tank integrity testing; however, there were no records of this test. The overfill prevention section must be updated because it lists a ball float; however, the November 8, 2016 designated operator (DO) monthly inspection record indicates that verification of a ball float could not be determined.	All	April 26, 2017	Ongoing	23 CCR 2711(a)(9)
4	Failure to Maintain Overfill Prevention – There was no verification of a ball float and the pneumatic tank gauge observed at the time of inspection did not have an annual monitoring certification sticker.	All	April 26, 2017	Ongoing	H&SC 25291(c); 23 CCR 2635(b)(2)
5	Failure to Maintain Site Map – The site map must be updated to include underground piping.	All	April 26, 2017	Ongoing	23 CCR 2711(a)(8)
6	Failure to Maintain Monitoring or Testing Records Onsite – The 2015 annual monitoring certification and spill containment testing records were not available at the time of inspection. These documents must remain onsite for three years.	All	April 26, 2017	Ongoing	H&SC 25293; 23 CCR 2712(b)

No.	Violation	Tank	Start Date	Stop Date	Regulation
7	Failure to Maintain Financial Responsibility – The letter from the Chief Financial Officer (CFO) was signed and dated on February 1, 2016. This letter must be updated annually. The certificate of financial responsibility must be updated to match the coverage amounts listed on the CFO letter and uploaded into CERS.	All	April 26, 2017	Ongoing	H&SC 25292.2; 23 CCR 2711(a)(11)

You are directed to correct the ongoing violations and submit compliance documentation to the State Water Board and Alameda County Department of Environmental Health within sixty (60) days from the date of this letter. Have your DO make specific notations in the next monthly DO report indicating the ongoing violations have been corrected. The monthly DO report and any associated photos must be submitted as proof of compliance.

Please send all compliance documentation to the following:

State Water Board

Ms. Rebecca Green
UST Enforcement Unit
Office of Enforcement
State Water Resources Control Board
801 K Street, Suite 2300
Sacramento, California 95814
rebecca.green@waterboards.ca.gov

Local CUPA

Ms. Aileen Mendoza
Supervising Hazardous Materials Specialist
Alameda County Department of
Environmental Health
1131 Harbor Bay Parkway
Alameda, California 94502
aileen.mendoza@acgov.org

Pursuant to Health and Safety Code, chapter 6.7, section 25299, the owner and operator of the tank(s) are liable for a penalty of \$500 to \$5,000 per tank, per day of violation. These penalties will continue to accrue until the violations have been corrected.

If you have any questions, please contact me at (916) 341-5551, or by email at amantha.henkel@waterboards.ca.gov.

Sincerely,

Amantha Henkel
Senior Environmental Scientist
UST Enforcement Unit
Office of Enforcement

cc: See next page.

cc: *(via email only)*

Ms. Chandra Johannesson
Manager of Environmental Compliance
East Bay Municipal Utility District
cjohanne@ebmud.com

Mr. Drew Lerer
Environmental Health and Safety Specialist
East Bay Municipal Utility District
dlerer@ebmud.com

Ms. Aileen Mendoza
Supervising Hazardous Materials Specialist
Alameda County Department of
Environmental Health
aileen.mendoza@acgov.org

Ms. Susan Hugo, Chief
Hazardous Materials Division
Alameda County Department of
Environmental Health
susan.hugo@acgov.org